REMARKS

This amendment is in response to the Final Office Action mailed October 27, 2006 . Claims 1, 8-12, 17-19, 24, 25, and 27 have been amended; no claims have been added; and no claims have been canceled. Claims 1-25 and 27-28 are presently pending. The specification has been amended to correct typographical errors. No new matter has been added.

§101 Rejections

Claim 25 was rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 25 has been amended to be directed to physically tangible media, which is statutory subject matter. Consequently, Applicants hold that the rejection under 35 U.S.C. §101 is now moot and should be withdrawn.

§103 Rejections

Claims 1, 24, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,566,349 to Trout ("Trout") in view of Lamburt and Scharber. Applicants respectfully traverse this rejection.

Regarding amended Claim 1, Applicants maintain that Trout teaches away from amended Claim 1 by disclosing "retriev[ing] dynamic data from the DS *cache* memory." Emphasis added; see Trout, column 12, line 11. Trout does not teach or suggest that dynamic data is stored in a content server and *not* cached. Additionally, the final office action suggested that there is no distinction between a cache and a content server. It was well known in the art at the time of invention that caches and content servers are separate and distinct applications that do not perform the same function and so are *not* in any way equivalent. Furthermore, neither the teachings of Lamburt nor Scharber cure this defect. Therefore, amended Claim 1 is non-obvious in view of the suggested combination of Trout, Lamburt and Scharber.

Although Trout clearly does not explicitly disclose determining if the requested content is dynamic or static based on a determination of *content generation* information *included* within the request, the Office Action has alleged that a user of "current target" data that identifies the request

also performs the claimed feature. Clearly, Trout's discussion of "current target" data does not teach or suggest analyzing information in a request that directly indicates how requested content is actually generated. In contrast, the claimed invention analyzes information in the request, e.g., file extensions for script or dynamically updatable files, to determine if the content to be provided is dynamic or static and based on that determination forwarding the request to the appropriate fulfillment resource (cache or content server). See Specification, page 13, line 28 through page 14, line 6.

Furthermore, neither Lamburt nor Scharber cure this defect in the Trout reference. Instead, Scharber discloses "being able to recognize the content type *associated* with these different requests (e.g., based on the transport protocol)". See Scharber, column 7, lines 39-41. Clearly, Scharber does not disclose recognizing *content generation* information *included* within the request, nor the mode of generation for the content itself. Therefore, amended Claim 1 is non-obvious in view of the suggested combination of Trout, Lamburt and Scharber. Applicants respectfully request that amended Claim 1 be allowed to issue.

Additionally, Trout does not teach or suggest forwarding a request for content *over a network*. Instead, Trout is directed to "a computer system [comprising] four processor, four memories, and a set of instructions for each processor." See Trout, column 3, lines 60-62. Trout discloses that "[t]he DM receives External User requests and Database files from External Sources." See Trout, column 42, lines 25-26. Trout does not teach or suggest that these initial requests are then forwarded *over a network* to a plurality of caches. Trout discloses that "the cache memory will be integral with the DP processor." See Trout, column 8, lines 53-54. Clearly, Trout teaches away from forwarding requests for content over a network because the cache is integral with the processor. Further, neither Lamburt nor Scharber cure this defect. In addition to teaching away, there is no motivation to combine Trout with Lamburt or Scharber to include forwarding requests for content over the network since Trout is directed to the internal routines of a processing system, not a network of remote devices.

Amended independent Claims 24 and 27 are amended in similar, albeit different ways to amended Claim 1. Thus, amended Claims 24 and 27 are allowable for at least substantially similar reasons.

Claims 8-10, 12, 14-17, 19, 21, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,370,620 to Wu et al. ("Wu") in view of U.S. Patent No. 6,542,964 to Scharber ("Scharber") and U.S. Patent No. 6,374,241 to Lamburt et al. ("Lamburt"). Applicants respectfully traverse this rejection.

Regarding amended Claim 8, applicants agree that Wu does not disclose determining a static type of the requested content on a determination of content generation information included within the request. However, Scharber does not cure this defect for the reasons suggested above regarding amended Claim 1. Therefore, amended Claim 8 is non-obvious in view of Wu, Lamburt and Scharber. Applicants respectfully request that amended Claim 8 be allowed to issue.

Amended independent Claims 12 and 25 are amended in similar, albeit different ways to amended Claims 1 and 8. Thus, amended Claims 12 and 25 are allowable for at least substantially similar reasons.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Trout, Lamburt, and Scharber, further in view of U.S. Patent No. 6,094,706 to Factor et al. ("Factor"). Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Trout, Lamburt, and Scharber, further in view of U.S. Patent No. 5,590,301 to Guenthner et al. ("Guenthner"). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Trout, Lamburt, and Scharber, further in view of U.S. Patent No. 6,785,704 to McCanne ("McCanne"). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Trout, Lamburt, and Scharber, further in view of U.S. Patent No. 6,415,359 to Kimura et al. ("Kimura"). Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Trout, Lamburt, and Scharber, further in view of U.S. Patent No. 6,233,606 to Dujari ("Dujari"). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wu and Scharber, in view of U.S. Patent No. 6,330,561 to Cohen et al. ("Cohen"). Claim 13 was

rejected under 35 U.S.C. §103(a) as being unpatentable over Wu, Scharber, and Lamburt, in view of Cohen and U.S. Patent No. 6,591,341 to Sharma ("Sharma"). Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wu, Scharber, and Lamburt, in view of Factor. Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wu, Scharber, and Lamburt, in view of Sharma. Claims 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu and Scharber in view of Dujari. Applicants respectfully traverse these rejections.

Furthermore, since dependent Claims 1-7, 9-11, 13-23, and 28 are at least allowable for the same reasons as independent Claims 1, 8, 12, 24, 25, and 27 upon which they depend respectively, the rejection of these claims is now moot. Claims 1-25 and 27-28 are therefore not anticipated nor rendered obvious and in condition for allowance over the cited prior art.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. This response has addressed fully all of the concerns expressed in the instant Office Action and Claims 1-25, 27, and 28 are in now condition for allowance. Early favorable action is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone the Applicant's attorney at the number listed below.

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Respectfully submitted,

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